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HEWLETT-PACKARD COMPANY
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| EXAMINER |
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HOANG, PHUONG N

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| ART UNIT | PAPER NUMBER |
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2194

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02/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/056,203

Applicant(s)

BAIRD ET AL.

Examiner

Phuong N. Hoang

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 34 are pending for examination.
2. References, not found in this office action, can be found in previous office action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 – 7, 33 - 34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
4. As to claims 1, 3, and 33, the claims comprising determining step does not produce a tangible result. It is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a useful, concrete and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 3, 5, 6, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Owa, US patent no. 6,348,971.**

7. **As to claim 1**, Owa teaches a method, implemented by a computing device, the method comprising:

 sending a service request to a device, wherein the service request is a request for data relating to the operation of the device (col. 1 lines 24 – 35);

 determining based at least in part on an amount of time taken to service the device, whether the computing device is to be identified as typically servicing the device (col. 5 - 7).

8. **As to claim 3**, Owa teaches the steps of checking an amount of time that a manager device took to service another device (col. 7 lines 40 - 67); and determining, based at least in part on the amount of time, whether the manager device is a desired manager of the other device (thus, printer PRN1 will be selected, col. 7 lines 40 – 67).

9. **As to claim 5**, Owa teaches wherein the manager device was not, when servicing the other device, the desired manager of the other device (col. 5 lines 55 – 67 and col. 7).

10. **As to claim 6**, Owa teaches wherein the method is implemented by the manager device (col. 5).

11. **As to claim 8**, this is the medium claim of claim 1. See rejection for claim 1 above. Further, Owa teaches if the device manager is the desired manager for the device, then servicing the device (col. 7 lines 40 – 65); and if the device manager is not the desired manager for the device, then checking whether a trigger condition is satisfied and servicing the device if the trigger condition is satisfied (col. 7 lines 5 – 10).

12. **Claims 33 is rejected under 35 U.S.C. 102(e) as being unpatentable by Barry, US patent no. 7,099,027.**

13. **As to claim 33**, Barry teaches a system comprising: a device service table to store mappings of desired managers to managed devices (MIB, figure 25 and associated text); and a selection module coupled to access the device service table and configured to (print server, figure 25 and associated text), check the amount of time that a manager took to service another device, and determine, based on the amount of time,

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whether the manager device is a desired manager of the other device (col. 26 lines 1 – 5, lines 58 – 65, col. 31 lines 40 - 65).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 2, 4, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa, US patent no. 6,348,971 in view of Teradairas, US patent no. 6,580,520.**

16. **As to claims 2, 4,** Owa failed to teach the steps of determining the decision threshold.

17. However, Teradairas teaches the step of wherein the determining comprises the step of the decision threshold (threshold time, col. 7 lines 30 - 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Owa and Teradaira's system because Teradaira's threshold time would provide a maximum time to wait for a service if the

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device is not available, and used to determine that the computing device is to be identified as typically servicing the device if the amount of time taken is less than the decision threshold.

18. **As to claims 12 and 14, see rejection for claim 2 above.**

19. **Claims 7, 9 – 11, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa, US patent no. 6,348,971 in view of Barry, US patent no. 7,099,027.**

20. **As to claim 7, Barry teaches the step of wherein the method is implemented by a central database (MIB, figure 25 and associated text).**

It would have been for one of ordinary skill in the art at the time the invention was made to modify the teaching of Owa and Barry's system because the database would maintain all configuration information to manage all the printers in the network.

21. **As to claims 9 - 11, see rejection for claim 7 above.**

22. **As to claim 17, see rejection for claim 7 above.**

23. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa, US patent no. 6,348,971 in view of Teradairas, US patent no. 6,580,520 in view of Barry, US patent no. 7,099,027.

24. As to claim 13, Barry teaches wherein identifying the device manager as the desired manager for the device comprises identifying the device manager in a table entry corresponding to the device (MIB, figure 25 and associated text).

It would have been for one of ordinary skill in the art at the time the invention was made to modify the teaching of Owa and Barry's system because the central database would maintain all configuration information to manage all the printers in the network.

25. Claims 18 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa, US patent no. 6,348,971 and in view of Combs, US patent no. 6,766,348.

26. As to claims 18 - 19, Combs teach the step of wherein checking whether the trigger condition is satisfied comprises: generating a value (max wait duration, col. 11 lines 35 – 40); determining whether the value is within a range of trigger values; and determining that the trigger condition is satisfied if the value is within the range of trigger values.

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Owa and Comb's system because

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Combs's trigger condition would provide a flexibility for making the decision that would wait for the device supposed to be serviced is not immediately available to service.

28. **As to claim 20**, Owa and Combs do not teach the step of altering the trigger condition over time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that condition may be changed as a design choice to be suitable with the environment.

29. **As to claim 21**, Owa teach the step of wherein the plurality of instructions further cause the one or more processors (inherent) to perform acts comprising servicing the device only if the device is due for service (it is one of the decisions).

30. **Claims 22 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry, US patent no. 7,099,027 in view of Owa, US patent no. 6,348,971.**

31. **As to claim 22**, Barry teaches the steps of

receiving, from a device manager (print server is operable to receive PDL print jobs request facilitated by print manager, figure 18 and associated text), a request for an identification of one or more devices to be serviced by the device manager; identifying,

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to the device manager, one or more devices for which the device manager is the desired manager (print server distributes and routes the PDL print jobs to particular printer via device manager, figures 18 and 25 and associated text); for each device for which the device manager is not the desired manager, identifying the device to the device manager (determine which print job will be handled, col. 22 lines 5 – 19).

Barry does not explicitly teach the steps of checking whether a trigger condition is satisfied for each device for which the device manager is not the desired manager.

Owa teaches checking whether a trigger condition is satisfied for each device for which the device manager is not the desired manager (col. 7 lines 5 – 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Barry and Owa's system because checking a trigger condition would help to select the most optimum printer as desired.

32. **As to claim 23**, Barry teaches receiving, from the device manager, an indication that at least one of the identified devices has been serviced; and updating a last service time for each of the identified devices (col. 28 lines 20 – 30).

33. **Claims 24 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry, US patent no. 7,099,027 in view of Owa, US patent no. 6,348,971, and further in view of Teradairas, US patent no. 6,580,520.**

34. **As to claim 24**, Teradairas teaches the step of wherein the determining comprises the step of the decision threshold (threshold time, col. 7 lines 30 - 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Barry, Owa, and Teradaira's system because Teradaira's threshold time would provide a maximum time to wait for a service if the device is not available, and used to determine that the computing device is to be identified as typically servicing the device if the amount of time taken is less than the decision threshold.

35. **As to claim 25**, Barry teaches identifying the device manager as the desired manager for the device comprises identifying the device manager in an entry of a device service table, wherein the entry corresponds to the device (MIB, figure 25 and associated text).

36. **As to claim 26**, see rejection for claim 24 above.

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37. **Claims 29 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry, US patent no. 7,099,027 in view of Owa, US patent no. 6,348,971, and further in view of Comb, US patent no.**

38. **As to claims 29 - 30**, Combs teach the step of wherein checking whether the trigger condition is satisfied comprises: generating a value (max wait duration, col. 11 lines 35 – 40); determining whether the value is within a range of trigger values; and determining that the trigger condition is satisfied if the value is within the range of trigger values.

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Barry, Owa and Comb's system because Combs's trigger condition would provide a flexibility for making the decision that would wait for the device supposed to be serviced is not immediately available to service.

40. **As to claim 31**, Barry and Combs do not teach the step of altering the trigger condition over time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that condition may be changed as a design choice to be suitable with the environment.

41. **As to claim 32**, Barry teaches wherein the plurality of instructions further cause the one or more processors (processor, figures 1a and 1b) to perform acts comprising identifying only devices that are due for service to the device manager.

42. **Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barry, US patent no. 7,099,027 in view of Teradairas, US patent no. 6,580,520.**

43. As to claim 34, Teradairas teaches the step of wherein the determining comprises the step of the decision threshold (threshold time, col. 7 lines 30 - 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Barry, Owa, and Teradaira's system because Teradaira's threshold time would provide a maximum time to wait for a service if the device is not available, and used to determine that the computing device is to be identified as typically servicing the device if the amount of time taken is less than the decision threshold.

Allowable Subject Matter


44. Claims 15, 16, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONG N. HOANG whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ph
February 15, 2008


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